June 4th, 2013

Susan Richardson, 19661 se 24th way, Sammamish, Wa

Dear City Council Members,

As a property owner of 30 years, who has suffered a significant financial impact from the EHNSWB Overlay, Jim and I are extremely grateful for the foresight and sensitivity shown when a sunset clause was added to the city's adoption of these regulations in 2005. The Overlay, by its design, serves a specific purpose by treating all properties within its boundaries the same. As you have seen by our situation, we are not all the same and that results in over regulation. In 2006, our relationship to this overlay began and we have been working within the city's governing process to speak up about the unfairness and be a part of the effort to address it. We're talking years of conversations, meetings with staff, council members, planning commission and now this final step.

We support the proposed amendment offered by Councilmen Gerend, Valderrama and Vance. It was the product of a very exhaustive process by the planning commission and the final restriction to avoid designated stream basins makes sense. The pilot study addresses all of the environmental issues and does so as a package. There has been no objection articulated that includes anything but generalized fear, most directed at developing steep slopes....which are not a part of the pilot study.

However, I am deeply concerned by the list of amendments proposed outside of the structure of the pilot study which are obviously put forth as a poison pill, intended to stop any development. These amendments are offered by Councilmen who expressed their personal anti-development philosophies even before this review process began.

If you look closely at the amendments, one by one, you will see that they serve no additional environmental purpose to the pilot study except to stop it altogether or make it so restrictive that it becomes economically unfeasible.

EXHIBIT NO. 87

- The amendment to delay any ECA changes would be nothing short of a slap in the face of those citizens who have participated in good faith to make things better. Given the time and effort put into this process, a delay would only serve the purpose of those who want to see no development at all.
- The amendment to limit the pilot study to tight line projects would simply take away any hope for fairness for us, even after anyone who has seen our property understands the unfairness of the overlay's prescription. It also ignores the objective testimony that the conveyance on se 24th is absolutely adequate to move storm water without risk to downhill property owners. Where is the justification for that restriction except to stop development?
- Limiting the pilot study to 1 project or no more than 10 acres would provide an insufficient amount of data to evaluate the development for purposes of an objective decision about future development. What purpose could that serve except to stop all development in the future.
- Limiting the size of development to R1 takes away property value with little to show for it. The more restrictive infrastructure requirements of the pilot study would make an R1 development unaffordable....In our case, we would still be required to put in the impervious structure but not the rain harvested rooftops of homes. How does that make any sense? But that is the point....take away the economic opportunity, take away development.
- The 7 year performance period for pilot study projects, before others are allowed, is an arbitrary time limit simply meant to inhibit development. If the overlay's purpose is to control the risk of sedimentation during development, a 7 year observation period is unnecessarily long. It will be clear pretty quickly, if there is an erosion issue. This arbitrary number is meant to stifle development....nothing more...Why 7 years?

- The requirement for a permanently held bond is on its face an unfair economic requirement that basically adds a cost that is not required of developers of properties outside the overlay. Please be mindful that the overlay does not give the city the right to simply add whatever rules it wants. It is intended as a financial requirement that could also have a chilling effect. Where is the rationale except to avoid any development at all.
- Finally, the suggested equitable selection process for study properties is anything but equitable for us, the people who have come forward with time and money to deal with this issue. Right now, participation comes on a first come basis, which doesn't guarantee our opportunity but the process suggested with this amendment is aimed more at significantly reducing our opportunity to realize any benefit from what we've contributed. It's hard not to take that personally.

There are other amendments that are similarly designed, but I hope you appreciate the point I am trying to make. The Overlay was arbitrarily designed and harms some property owners by over regulation. The pilot study takes a small, well thought out step to mitigate that harm. For those who speak out against it, please remember that properties that qualify will not present the steep slopes and erosive soils that were the target of the overlay's regulatory purpose. Just because you have drawn lines on a map doesn't mean that the property owners within those boundaries should be subject to any regulatory whim. It is the city's responsibility to avoid over regulation. This pilot study as amended demonstrates the city's commitment to fairness without abandoning the need to protect our city's lakes and streams.

Thank you,

Susan Richardson